

The United States should let Hyun Jin Moon take over Family Federation for World Peace and Unification (FFWPU)

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July 13, 2021

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UPI

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July 13 (UPI) -- Imagine this nightmare scenario: You are a volunteer director on the board of a non-profit religious entity. It is one of a number of legal entities through which the work of a new religious movement is pursued.

The founder dies, and historic internal disputes over questions of authority, organization, purpose and theology boil over. In the course of these disputes, you find yourself and the entity you serve the target of leaders of another legal entity, who claim that their organization is the sole legitimate representative of the faith in question, and therefore, you and your associates must be subject to its dictates. They petition the U.S. court system, in this case the D.C. [Superior Court](#), to resolve the matter in their favor.

There is a long history of First Amendment jurisprudence, expressed in multiple court rulings over the life of the republic, that forbids the courts to decide or even involve themselves in such matters.

Nevertheless, the D.C. Superior Court is undeterred by this history and plunges in to resolve the matter in a series of pretrial rulings as if the case involved a secular corporate dispute.

As a result, you and your co-defendant directors are ordered by the court to personally pay half-a-billion dollars to the plaintiffs because you, as the board directors, had approved donations to charitable causes that did not have the plaintiffs' approval. The plaintiffs claimed that those donations were outside the purposes of the religious movement as they defined it.

Note that there was no suggestion that any of that money had been used for personal purposes by you or the other directors, nor that any of you were other than sincere in your belief that the causes to which you donated served the principles and goals of your religious movement as you understood them. In order to make this ruling, the D.C. Superior Court has to ignore the strict First Amendment prohibition against any U.S. court intervening in matters involving governance of religious organizations and interpretation of religious doctrines.

Protracted lawsuits

This nightmare scenario has happened to the volunteer board directors of the religious entity UCI in the controversial civil case Family Federation for World Peace and Unification International vs. [Hyun Jin Moon](#). Hyun Jin "Preston" Moon -- chairman of UCI, which owns UPI -- is the eldest living son of the late Rev. [Sun Myung Moon](#), founder of the Unification Movement, often popularly referred to as the "Unification Church," although that was never the official name, nor the name intended by the founder.

The Family Federation is headed by Hak Ja Han Moon, widow of Sun Myung Moon and mother of Preston Moon. She is claiming sole authority over all organizations established during her husband's life in pursuit of his God-given mission. At the same time, she is introducing new theological ideas that were never part of her husband's teaching. It is hardly surprising, therefore, that a religious schism has arisen with both theology and organizational control at issue.

However, many associated with the Unification Movement have been shocked at the ruthless aggression with which the Family Federation has sought to use the secular civil courts to resolve this religious

dispute. Preston Moon and other supporters have faced over 30 lawsuits brought by Family Federation in several countries on three continents.

The protracted case in the D.C. Superior Court has been appealed to the D.C. Court of Appeals, given the lower court's 2018 summary judgment based on the judge's conception of what were and were not the foundational spiritual principles of the Unification Movement. Also, the court issued in 2020 a remedies ruling that removes the defendant directors of UCI from the board, as the court adjudged them to have failed in their "duty of obedience" to the corporation.

These rulings have much wider implications than the internal quarrels of one religious group. (Read more at www.righttobelieve.org).

Religious liberty

The Becket Fund for Religious Liberty and the Jewish Coalition for Religious Liberty have jointly filed an amicus brief in support of the defendants, and 10 scholars of the First Amendment and religious liberty have joined to file a second amicus brief. These briefs lay out in copious detail how the D.C. Superior Court has ridden roughshod over precedent dating back to the 19th century on the application of First Amendment principles to judicial involvement in questions of religious doctrine and the governance of religious organizations.

At the outset of this case, the original judge, Anita Josey-Herring, had dismissed it on First Amendment grounds, and the plaintiffs appealed that decision. In its ruling at that time, the D.C. Court of Appeals affirmed the principle that "the First Amendment bars judicial resolution of disputes" that cannot be resolved without "consideration of doctrinal matters, whether the ritual and liturgy of worship or the tenets of the faith." However, it sent the case back to the lower court to see if the dispute could be adjudicated narrowly using neutral principles that did not require considering religious issues.

The lower court misapplied this direction to such a degree that the Becket Fund and Jewish Coalition brief found that "the trial court's decision here wrongly revives constitutional problems that the [Supreme Court](#) resolved long ago."

Much of the trial court's ruling revolved around a 2010 revision of UCI's articles of incorporation. The court ruled that the defendant directors "fundamentally alter[ed]" the purposes of the association by replacing references to the "Unification Church" and the "Divine Principle" with a commitment to support the "theology and principles of the Unification Movement."

As the religious freedom scholars observed in their amicus brief, this required the court to rule on the interpretation of religious doctrine and effectively choose sides in a religious schism, clearly crossing the line prohibited under the First Amendment.

After the filing of briefs by both sides of the dispute, as well as third party (amicus) briefs, the D.C. Court of Appeals held a hearing for [oral arguments](#) on June 17. In extensive questioning, the judges addressed a wide range of issues, including the basis of the summary judgment and whether the case requires the deciding of matters of religious doctrine and governance.

Indicative of the attention this case has attracted among supporters of the Unification Movement, as well as those concerned about judicial overreach, the oral arguments for this case amassed over 11,000 views, by far the highest number of views that the D.C. Court of Appeals YouTube channel has seen to date. The appeals court ruling is pending.

This case is significant because it throws overboard the long history of judicial rulings upholding the specifics of religious liberty. It occurs in the context of growing questioning as to why religious bodies should have specially defined liberties and not be treated just like a corporation or a secular non-profit.

The truth is that the foundation of all freedoms is freedom of conscience, which upholds the inherent value and dignity of each person. Freedom of conscience translates, in communal form, into freedom of religious belief and association. From this all other freedoms stem -- of assembly, expression, the press, etc.

Once freedom of conscience and freedom of religion are undermined, all the other freedoms will become vulnerable to the will of intolerant voices with a grip on power. That is why this case is most significant, and these egregious rulings must be firmly rejected. No other person of faith should ever experience such a judicial nightmare.

Howard C. Self is president of Right To Believe, a not for profit organization dedicated to the protection of religious liberty for all. He has also held leadership roles at the Family Peace Association and in the Unification Movement, which are affiliated with UCI, the ultimate holding company that owns UPI. Hyun Jin "Preston" Moon serves as chairman of UCI.